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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/056,569 | 01/25/2002 | Randall R. Wandmacher | 33836000003 | 8921 |

30498 7590 02/10/2004

VEDDER PRICE/ACCENTURE
222 NORTH LASALLE STREET
CHICAGO, IL 60601

EXAMINER

GREENE, DANIEL L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3621

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,569

Applicant(s)

WANDMACHER ET AL.

Examiner

Daniel L. Greene

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Preliminary Amendment, filed 12/21/03, with respect to the rejection(s) of claim(s) 1-33 under Aycock have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the articles in Computer Reseller News, ACHIEVE VENDOR CERTIFICATION ONLINE, and Practical Accountant, ISO 9000: Profiting from the adoption process, and Gindlesperger, U.S. Patent 6,397,197 B1.
2. The Computer Reseller News discloses the concept of a fee to take the tests online which varies depending on the certification test. The article further teaches about value-added resellers (VARs) becoming vendor-certified via CMP's ChannelWeb online site. The article highlights a Vendor-authorized training and certification for companies such as Microsoft, Cisco and HP.
3. Gindlesperger discloses the concept of a tabulated form of information fields submitted by potential vendors for the pre-qualification step of creating a database of a buyer's pool of vendors. The information fields are set up to provide detailed information on the capabilities of the vendor and are only limited by how specific and detailed the buyer needs are.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21,29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gindlesperger, U.S. Patent 6,397,197 B1 (Gindlesperger'197) and in further view of Computer Reseller News, ISSN 0893-8377 (CRN'377).

As per claims 1, 2,9, 16,18 and 29:

Gindlesperger'197 discloses the claimed invention, except for the specific step of receiving a notification that a vendor has successfully completed the vendor certification program. However, Gindlesperger'197 does teach about vendor capability attribute data that is submitted. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include in the vendor capability attribute data specific information that would qualify a vendor to provide services to a specific buyer. Those specific capability attributes required by a specific buyer could be location, production capability, and certifications regarding program specific requirements. etc. Gindlesperger'197 does not expressly show the collected data including vendor certification completion.

However this difference is only found in the nonfunctional descriptive material and is not functionally involved in the steps recited. The collecting and rating of a

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vendor would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect from a vendor the type of data required by the buyer because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention. Therefore the teachings of Gindlesperger'197 will perform the invention as claimed by the applicant with any means, method, or product to screen and rate a vendor.

granting certified vendor status upon the vendor indicated in the notification, Col. 5, lines 10-25.

wherein the certified vendor status confers preferential consideration to the vendor during acquisition decisions by the entity. Col. 5, lines 10-25.

Gindlesperger'197 discloses the claimed invention except for providing a vendor certification program comprising a curriculum via the communication network on a fee basis. CRN'377 teaches that it is known in the art to provide a vendor certification program via the communication network on a fee basis. 2nd pg. 4th Para. CRN'377 does not specifically teach about a curriculum associated with the certification program but it is implicit that a certification program would have a curriculum associated with it.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vendor attribute capability program of Gindlesperger'197 with providing a vendor certification program via the communication network on a fee basis of CRN'377, in order to increase the number of vendors qualified to meet the buyer's requirements to minimize dependency on to few vendors.

As per claims 3, 9,17 and 30:

Gindlesperger'197 further discloses:

wherein the curriculum is based on subject matter expertise possessed by the entity. Col. 4&5.

As per claim 4:

Gindlesperger'197 further discloses as per Col. 5:

undertaking an acquisition decision;

accessing information regarding a plurality of vendors, the plurality of vendors comprising at least one vendor having certified vendor status; and

providing preferential consideration to the at least one vendor having certified vendor status when resolving the acquisition decision.

As per claims 5 and 12:

Gindlesperger'197 further discloses:

wherein the vendor comprises a plurality of personnel, and wherein granting of the certified vendor status further comprises granting variable levels of certified vendor status such that increasing numbers of the plurality of personnel that have successfully completed the vendor certification program confers increasing levels of preferential consideration. Col. 6-7.

As per claims 6-8,13-15,19-21 and 31-33:

Gindlesperger'197 discloses the claimed invention except for providing a vendor certification program comprising a curriculum via a public communication network, an Internet or World Wide Web communication network and or a private communication network. CRN'377 teaches that it is known in the art to provide a vendor certification program via a public communication network, an Internet or World Wide Web communication network and or a private communication. 2nd pg. 4th Para.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vendor attribute capability program of Gindlesperger'197 with providing a vendor certification program via the communication network of CRN'377, in order to increase the number of vendors qualified to meet the buyer's requirements to minimize dependency on to few vendors.

6. Claims 22-28, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over CRN'377 and Gindlesperger'197.

As per claims 22-28:

CRN'377 discloses:

a learning management component, operatively coupled to the communication network, that administers a vendor certification program on behalf of an entity; and at least one database, coupled to the learning management component, comprising a curriculum offered as part of the vendor certification program, and comprising information indicating that a vendor has certified vendor status after successfully completing the curriculum. Pgs. 1-2.

CRN'377 discloses the claimed invention except for the entitling the vendor to preferential consideration during acquisition decisions by the entity. Gindlesperger'197 teaches that it is known in the art to provide entitling the vendor to preferential consideration during acquisition decisions by the entity. Col. 6-7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vendor certification program of CRN'377 with the competitive bid system of Gindlesperger'197, in order to generate business.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

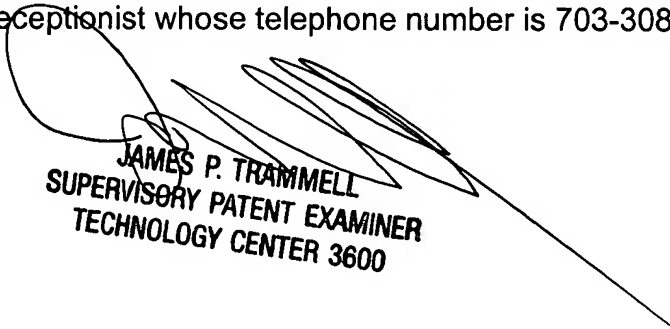
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

1/20/04

DLG


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600